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2  
3 Honorable Thomas O. Rice  
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5 Charles P.E. Leitch, WSBA 25443  
6 PATTERSON BUCHANAN  
7 FOBES & LEITCH, INC., P.S.  
8 2112 Third Avenue, Suite 500  
9 Seattle, WA 98121  
Tel. 206.462.6700  
10 Attorneys for Defendants

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12 UNITED STATES DISTRICT COURT  
13 FOR THE EASTERN DISTRICT OF WASHINGTON

14  
15 IVAN ROMERO, JESSICA  
16 JUAREZ, and S.R., a minor by and  
through his guardian ad litem, IVAN  
ROMERO,

17 Plaintiffs,  
18 v.  
19

PASCO SCHOOL DISTRICT,  
RATREE ALBERS, NORA  
FLORES, TIM SULLIVAN,  
SAUNDRA HILL, JOHN AND  
JANE DOES 1-30,

20 Defendants.

21 No. 4:16-cv-05112

22 STIPULATION AND ORDER OF  
PROTECTION OF STUDENT  
RECORDS AND PERSONNEL  
RECORDS

23 I. STIPULATION

24 Pursuant to the Family Educational Rights and Privacy Act (FERPA), 20  
U.S.C. § 1232g and 34 C.F.R. Ch. 99 et seq., the parties hereto, through their  
respective counsel, STIPULATE and AGREE as follows:

25 STIPULATION AND ORDER OF PROTECTION OF  
STUDENT RECORDS- 1  
4:16-cv-05112  
567707

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1           1. All Student Records of any student and all Personnel Records of any  
2 employee (hereinafter "Records") released by Pasco School District ("the  
3 District") to Scott W. Johnson, of Johnson & Orr, attorney for Plaintiffs in this  
4 litigation shall be considered confidential and private and shall not be released to  
5 third parties except to the following individuals for purposes of this lawsuit:

- 6           a. Attorneys, paralegals, or assistants working in the parties'  
7 attorneys' offices on this lawsuit;  
8           b. Claims representatives for the insurance providers of the District;  
9           and  
10          c. Expert consultants and expert witnesses retained by the parties and  
11           their attorneys for purposes of developing opinions regarding this  
12           lawsuit.

13          2. Any Records released to Plaintiffs or their attorneys by the District shall  
14 only be used for purposes of this litigation and shall not be re-released in any  
15 form, including by orally informing others of their content, to anyone for any  
16 purpose other than this litigation.

17          3. Before Plaintiffs release Records to any individuals, those individuals  
18 must agree to maintain the confidentiality of the Records and promise to return  
19 those Records to Plaintiffs' attorney at the end of this litigation or destroy those  
20 Records.

21          4. Any document filed with the Court shall refer to students only by the  
22 student's first and last initials. Additionally, any student names mentioned during  
23 depositions shall be substituted out and be replaced in the record with the  
24 student's initials.  
25

1           5. At the end of this litigation, Plaintiffs shall either return the Records to  
2 the attorneys for the District or destroy the Records, except that the parties may  
3 maintain a copy of the records for their files.

4           6. Records containing information about students other than S.R. will not  
5 be re-released to third parties outside of Plaintiffs' attorney's office, except  
6 pursuant to a court order or valid subpoena. In such circumstances, the student (if  
7 over 18 years of age) or the parent of that student shall be notified at least ten (10)  
8 days in advance of the release so that they may make any objection concerning  
9 the release before the release of Records occurs. Notwithstanding, Plaintiffs may  
10 release copies of Records to experts retained after those experts agree to maintain  
11 the confidentiality of any student information in the Records and promise to  
12 return them to Plaintiffs' attorney at the end of this litigation or destroy the  
13 Records that have been provided.

14           7. Upon any objection from a parent or student, Plaintiffs and Plaintiffs'  
15 counsel shall take all reasonable steps to resolve the dispute about the release of  
16 Records.

17           8. Should the District be required to respond to a complaint from the  
18 Family Policy Compliance Office of the U.S. Department of Education (FPCO)  
19 for anything related to the release of the Records to Plaintiffs and Plaintiffs'  
20 attorney by the District, Plaintiffs and Plaintiffs' attorney will cooperate with

21           //

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STIPULATION AND ORDER OF PROTECTION OF  
STUDENT RECORDS- 3

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1 the District and the FPCO in resolving any such complaint.

2

3 DATED this 23 day of May, 2016.

4

5 PATTERSON BUCHAN  
FOBES & LEITCH, INC., P.S.

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7 By:   
Charles P.E. Leitch, WSBA No. 25443  
8 Attorney for Defendants

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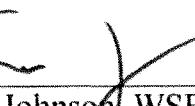
11 DATED this 21 day of May, 2016.

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13 JOHNSON & ORR, P.S.

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15

16 By:   
Scott W. Johnson, WSBA No. 27839  
17 Attorney for Plaintiffs

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STIPULATION AND ORDER OF PROTECTION OF  
STUDENT RECORDS- 4

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2                   **II. ORDER**

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4     THIS MATTER having come before the Court on the parties' stipulation  
5     regarding student information contained in student records, the Court, having  
6     reviewed the foregoing stipulation and having been otherwise fully informed  
7     herein, hereby ORDERS:

8

9       All Student Records of any student and all Personnel Records of any  
10      employee (hereinafter "Records") released by Pasco School District ("the  
11      District") to Scott W. Johnson, attorney for Plaintiffs in this litigation shall be  
12      considered confidential and private and shall not be released to third parties  
13      except to the following individuals for purposes of this lawsuit:

- 14           a. Attorneys, paralegals, or assistants working in the parties'  
15           attorneys' offices on this lawsuit;
- 16           b. Claims representatives for the insurance providers of the District;
- 17           c. Expert consultants and expert witnesses retained by the parties and  
18           their attorneys for purposes of developing opinions regarding this  
19           lawsuit.

20       2. Any Records released to Plaintiffs or their attorney by the District shall  
21      only be used for purposes of this litigation and shall not be re-released in any  
22      form, including by orally informing others of their content, to anyone for any  
23      purpose other than this litigation.

24       3. Before Plaintiffs releases Records to any individuals, those individuals  
25      must agree to maintain the confidentiality of the Records and promise to return

1 those Records to Plaintiffs' attorney at the end of this litigation or destroy those  
2 Records.

3       4. Any document filed with the Court shall refer to students only by the  
4 student's first and last initials. Additionally, any student names mentioned during  
5 depositions shall be substituted out and be replaced in the record with the  
6 student's initials.

7       5. At the end of this litigation, Plaintiffs shall either return the Records to  
8 the attorneys for the District or destroy the Records, except that the parties may  
9 maintain a copy of the records for their files.

10      6. Records containing information about students other than S.R. will not  
11 be re-released to third parties outside of Plaintiffs' attorney's offices, except  
12 pursuant to a court order or valid subpoena. In such circumstances, the student (if  
13 over 18 years of age) or the parent of that student shall be notified at least ten (10)  
14 days in advance of the release so that they may make any objection concerning  
15 the release before the release of Records occurs. Notwithstanding, Plaintiffs may  
16 release copies of Records to experts retained after those experts agree to maintain  
17 the confidentiality of any student information in the Records and promise to  
18 return them to Plaintiffs' attorney at the end of this litigation or destroy the  
19 Records that have been provided.

20      7. Upon any objection from a parent or student, Plaintiffs and Plaintiffs'  
21 counsel shall take all reasonable steps to resolve the dispute about the release of  
22 Records.

23      8. Should the District be required to respond to a complaint from the  
24 Family Policy Compliance Office of the U.S. Department of Education (FPCO)  
25 for anything related to the release of the Records to Plaintiffs and Plaintiffs'

1 attorney by the District, Plaintiffs and Plaintiffs' attorney will cooperate with the  
2 District and the FPCO in resolving any such complaint.

3  
4 Date this 6th day of June, <sup>2017</sup> 2016.

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6   
7 United States District Judge

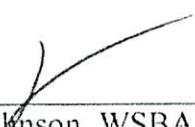
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10 Presented by:

11 PATTERSON BUCHAN  
12 FOBES & LEITCH, INC., P.S.

13 By:   
14 Charles P.E. Leitch, WSBA No. 25443  
15 Attorney for Defendants

16  
17 Approved as to form; Notice of Presentation Waived

18  
19 JOHNSON & ORR, P.S.

20  
21 By:   
22 Scott W. Johnson, WSBA No. 27839  
23 Attorney for Plaintiffs

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25 STIPULATION AND ORDER OF PROTECTION OF  
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